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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,275	01/16/2001	Madoka Yamauchi	F-6820	5600

7590

04/07/2003

Jordan and Hamburg
122 East 42nd Street
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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

09/761,275

Applicant(s)

YAMAUCHI ET AL.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-16 and 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.



MARK SAGER
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The objection to the drawings is withdrawn.

Specification

The objection to the abstract is withdrawn.

Claim Rejections - 35 USC § 112

The rejection of claims 2, 12 and 17 under 35 U.S.C. 112, second paragraph is withdrawn.

Claim Rejections - 35 USC § 103

Claims 1, 3-11, 13-16, 18-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nagano Winter Olympics '98*, published by Konami Corp. (29 January 1998) (hereinafter "*NWO-98*"). The particular features of the game software are described in the following references: *Nagano Winter Olympics '98 Manual*, downloaded from Internet on Oct. 4, 2002 <<http://www.cheatcc.com/psx/manuals/-nagano.txt>> (hereinafter "*Nagano Manual*"), *Nagano Winter Olympics '98*, downloaded from Internet on Oct. 4, 2002 <<http://www.n64cc.com/-reviews/revnag.htm>> (hereinafter "*Nagano N64*") and *Nagano Winter Olympics '98*, downloaded from Internet on Oct. 4, 2002 <<http://www.ign64.ign.com/-articles/152/152259pl.html>> (hereinafter "*Nagano IGN*") in view of *Links 386 CD Players Manual*, Access Software, Inc., 1995 (hereinafter "*Links-386*")

NWO-98 is a video game executed by a game console wherein a programmable controller executes instructions allowing players to control game characters displayed on a video monitor to perform techniques having various degrees of difficulty.

In regards to claims 1, 11, 16 and 26, *NWO-98* teaches the following features:

- a. A degree of difficulty setting unit for setting a degree of difficulty of a technique to be performed by the player character. *See Nagano Manual, pp. 9-10; Nagano N64, p. 2, ¶ 3, 4; Nagano IGN p.1, ¶ 9. (Claims 1, 11, 16)*
- b. A command guiding unit for guiding a command input for causing the player character to perform a technique corresponding to the set degree of difficulty. *See id. (Claims 1, 11, 16)*
- c. An operation unit for causing the player character to perform the technique according to the set degree of difficulty wherein the operation unit includes a first operable member for inputting a the command in accordance with the command input given by the command guiding input. *See id. (Claims 1, 11, 16)*
- d. An evaluating unit for evaluating the technique performed in accordance with a command given by the first operable member. *See id. (Claims 1, 11, 16)*

However, *NWO-98* does not describe (i) the degree of difficulty setting unit including a mark changing unit for changing the size of a mark corresponding to the technique's degree of difficulty; or (ii) an operable member operated by the game player causing the mark changing unit to set the size of the mark in response to operations of the second operable member within a predetermined time period. Regardless of the deficiencies, these feature would have been obvious to an artisan in view of *Links-386*.

Links-386 discloses an analogous sports game incorporating indicator to control the timing and power of a character's techniques wherein the character is a golfer and the indicator control's the golfer's swing of a golf club. The indicator combines marks indicating the timing, power and difficulty aspects of physical movements in a game simulating a physical technique in a video game.

In regards to the claims, *Links-386* describes a degree of difficulty setting which includes a mark changing unit for changing the size of a mark corresponding to the technique's degree of difficulty. *See*

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p. 33. More specifically the “Swing” indicator includes a mark which changes with increasing power. *See id.* The greater the power, the more difficult the shot is to control and, as a result, the more likely it becomes the shot will result in a hook or slice. *See id.* Furthermore, *Links-386* describes an operable member operated by the game player for causing the mark changing unit to set the size of the mark in response to operations of the second operable member within a predetermined time period. *See id.* More specifically, the player holds a button to start the golfer’s back swing, then releases the button to start the swing and finally clicks the button to indicate the “snap” of the shot upon contact with the ball. *See id.* The player must control each stage of the swing over a predetermined time periods as displayed by the endpoints of the indicator.

In view of *Links-386*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *NWO-98*, wherein a timed input by a player controls whether techniques of different difficulty, to add the features of a degree of difficulty setting unit which includes a mark changing unit for changing the size of a mark corresponding to the technique’s degree of difficulty; or an operable member operated by the game player for causing the mark changing unit to set the size of the mark in response to operations of the second operable member within a predetermined time period. The modification would enhance the game by providing a more effective means of indicating the relation of timing, power, and difficulty in required in simulating the performance of a technical movements in a sports game and thereby increase the users enjoyment of the game.

In regards to claims 3, 13 and 18: *NWO-98* additionally teaches changing a mark corresponding to the degree of difficulty by operating an operable member in the operation unit. *See Nagano Manual, pp. 9-10; Nagano N64, p. 2, ¶ 3, 4; Nagano IGN p.1, ¶ 9.*

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In regards to claims 4, 14 and 19: *NWO-98* additionally teaches causing the character to land. *See id.*

In regards to claims 9 and 24: *NWO-98* additionally teaches, if the input of a command is not completed within a predetermined time, causing the character to perform an action different from the action performed when the command is completed within the predetermined time. *See id.*

In regards to claims 10 and 25: *NWO-98* additionally teaches causing the character to perform a complicated technique when the set degree of difficulty is high. *See id.*

In regards to claims 8 and 23: *NWO-98* additionally teaches giving a higher evaluation is given when a shorter time is required to input a command. *See id. (Claims 8, 23)* More specifically, the higher difficulty techniques require players to perform longer and/or more complex maneuvers within a limited time to receive a higher evaluation. Hence, an effectively shorter time is given to input commands. Thus the claims are unpatentable because *NWO-98* teaches all the features of the claims.

In regards to claims 5, 15 and 20, *Links-386* additionally teaches setting a landing display area for the setting a game object in an partial area of the game image; setting a success zone in the display area, displaying a movable mark; and enabling the game object to land though the operation of a operable member when the mark is located within the landing-success area. *See pp. 23, 33, 75.*

In regards to claims 6 and 21, *Links-386* additionally teaches having a success zone set narrower as the degree of difficulty is set higher. *See p. 42.*

In regards to claims 7 and 22, *Links-386* additionally teaches a command input area is set in a partial area of the game image and the command is displayed in the input area in the form of icons. *See pp. 23.*

In regards to claim 27, *NWO-98* additionally teaches changing the size of a mark in accordance with the number of operations of an operable member performed by the game player within a predetermined time. *See Nagano Manual, pp. 5-7; Nagano N64, p. 2, 4; Nagano IGN p.1, ¶ 9.*

In regards to claim 28, *NWO-98* additionally teaches an operable member comprised of two operable buttons which increase to power of a character corresponding to the degree of difficulty of a technique to be performed by the player character based on the number of on-and-off operations of the two buttons increases with the predetermined time period. *See id.* However, it does not directly link the power achieved to the level of difficulty performed. *Links-386* provides indicator with a marker indicating the power achieved by a character. *See pp. 23* The level of power achieved as a result of the player's inputs changes the level of difficulty of the technique performed. *See id.* When *NWO-98* and *Links-386* are viewed as a whole, it would have been obvious to one of ordinary skill in the art at the time of the invention to link the power achieved to the level of difficulty performed to providing a more effective means of indication the relation of timing, power, and difficulty in required in simulating the performance of a technical movements in a sports game and thereby enhance the users enjoyment of the game by proving a more effective means of controlling performances

Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over *NWO-98* in view of *Links-386*, as applied to claims 1-26 above, in further view of Yamada et al., U.S. Patent 6,149,523 (Nov. 21, 2000).

The video game system described by the combination of *NWO-98* and *Links-386* teaches all the features of the claims except displaying on the game screen images of a series of command input to be sequentially followed by the game player for the character to perform a technique. Regardless of the deficiency, this feature would have been obvious to an artisan in view of *Okano*.

Yamada teaches displaying on the game screen images of a series of command input to be sequentially followed by the game player for the character to perform a technique in order to reduce the difficulty required in memorizing complicated game operations. *See fig. 1(a-c); col. 1:1-2:24*.

In view of *Yamada*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the video game system described by the combination of *NWO-98* and *Links-386*, wherein a player performs a series of inputs to control a game character to perform a technique, to add the feature of displaying on the game screen images of a series of command input to be sequentially followed by the game player for the character to perform a technique to reduce the difficulty required in memorizing complicated game operations and thereby provide a more entertaining game.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-11, 13-16 and 18-29 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

Steven Ashburn
March 26, 2003


MARK SAGER
PRIMARY EXAMINER